

REMARKS

This communication is in response to the office action dated July 21, 2004. Applicant respectfully requests reconsideration of this application in view of the present amendments and the following remarks. Upon entry of this amendment, claims 1-6, 8-17, and 19-23 remain pending and at issue, with claims 1, 8, and 17 being independent. Claims 1-6, 8, 11, 16, 17, and 22 have been amended and claims 7 and 18 have been cancelled. A one month extension of time along with the requisite fee is being submitted with this amendment. If additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855.

Claims 5, 11, 16, and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 5, 11, 16, and 22 have been amended to overcome the various informalities cited by the Examiner. Reconsideration and withdrawal of the Examiner's rejections under 35 U.S.C. § 112 is respectfully requested.

Claims 1-14, 16-20, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Edgerton Jr. et al. (U.S. Patent No. 5,372,299) in view of King (U.S. Patent No. 3,258,114). The combination of Edgerton Jr. et al. and King fails to disclose or suggest either singularly or in any permissible combination the present invention as recited in claims 1, 8, and 17. Claim 1 as amended recites, *inter alia*, at least one separate insert positioned adjacent each side wall, each insert having at least one divider extending partially inward from a corresponding one of said side walls into said product carrying enclosure to define at least two separate product receiving compartments and an unobstructed center viewing area for a product displayed and supported therein. Forming the inserts as separate components means it is possible to remove them, if desired, as the product is dispensed from this carton. Edgerton Jr. et al. discloses side walls 18, 20 having a series of spaced apart inwardly protruding dividers. The dividers are formed as an integral part of the side wall. See Figs. 2A-2E in which the entire box including the side walls is formed from a one-piece blank of box-board material which is bent in a desired manner to form the box including the integral dividers. Edgerton Jr. et al. fails to disclose a separate insert positioned adjacent each side wall. King fails to overcome the deficiencies of Edgerton Jr. et al. King discloses a packaging and dispensing container comprising a container 100 which has a tab 60 fixedly

associated with the easel flap 52 to hold the container 100 in an angled position relative to a horizontal plane surface. King fails to disclose any divider at all, let alone a separate insert positioned adjacent each side wall to define at least two separate product receiving departments.

With respect to claim 8, the combination of Edgerton Jr. et al. and King fail to disclose or suggest the invention as recited in amended claim 8. Claim 8 requires, *inter alia*, a carton insert integrally associated with each of said side walls to form and support one pair of opposed dividers extending inwardly into said product carrying enclosure to define at least two separate product receiving compartments, said dividers being parallel to said front and rear walls to define a plurality of upwardly and rearwardly inclined product receiving compartments within said product carrying enclosure. Edgerton Jr. et al. discloses dividers formed integrally from the side walls. Furthermore, the dividers are straight and perpendicular relative to a horizontal surface. Edgerton Jr. et al. provides no teaching or suggestion of dividers being upwardly and rearwardly inclined. King fails to disclose any dividers at all as discussed above, therefore, the combination of Edgerton Jr. et al. and King fails to disclose or suggest a plurality of upwardly and rearwardly inclined dividers.

With respect to claim 17, the combination of Edgerton Jr. et al. and King fail to disclose or suggest the invention as recited in amended claim 17. Claim 17 recites, *inter alia*, a carton insert integrally associated with each of said side walls to form and support one pair of opposed dividers extending inwardly from opposite sides of said wall panel into said gift bag carrying enclosure to define at least two separate gift bag receiving compartments, said dividers being parallel to said front and rear walls to define a plurality of upwardly and rearwardly inclined gift bag receiving compartments within said gift bag carrying enclosure. As discussed above, Edgerton Jr. et al. fails to teach a separate carton insert having dividers with upwardly and rearwardly inclined walls. King fails to disclose any divider whatsoever, therefore, cannot be relied upon to overcome the deficiencies of Edgerton Jr. et al. to render the claim obvious. Reconsideration and withdrawal of the Examiner's rejections in view of Edgerton Jr. et al. and King are respectfully requested.

Claims 1-15 and 17-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill (U.S. Patent No. 5,505,371) in view of King. The combination of

O'Neill and King taken either singularly or in any permissible combination fails to disclose or suggest the invention as recited in independent claims 1, 8, and 17. Claim 1 recites, *inter alia*, at least one separate insert positioned adjacent each side wall, each insert having at least one divider extending partially inward from a corresponding one of said side walls into said product carrying enclosure to define at least two separate product receiving compartments and an unobstructed center viewing area for a product displayed and supported therein. Forming the inserts as separate components makes it possible to provide an entirely unobstructed center viewing area for the product. O'Neill fails to disclose or suggest at least one separate insert positioned adjacent each side wall wherein each insert includes at least one divider. O'Neill, therefore, further fails to disclose at least two product receiving compartments having an unobstructed center viewing area for a product displayed and supported therein. Rather, O'Neill discloses a partition structure 10 having primary divider panels 11, 12 that extend from one side to the other between secondary support panels 21, 22. The primary divider panels 11, 12 extend completely across the display carton, thereby failing to provide an entirely unobstructed center viewing area for a product top to bottom. King fails to disclose any insert whatsoever let alone a separate insert positioned adjacent each side wall and extending partially inward to provide an unobstructed center viewing area for a product. Therefore, the addition of King fails to overcome the deficiencies of O'Neill. Reconsideration is respectfully requested.

With respect to claim 8, claim 8 recites, *inter alia*, a carton insert integrally associated with each of said side walls to form and support one pair of opposed dividers extending inwardly into said product carrying enclosure to define at least two separate product receiving compartments, said dividers being parallel to said front and rear walls to define a plurality of upwardly and rearwardly inclined product receiving compartments within said product carrying enclosure. O'Neill teaches a single carton insert having dividers extending completely across a viewing area of the carton. Furthermore, O'Neill discloses dividers that extend perpendicular to a horizontal surface relative to a bottom wall of the carton. O'Neill fails to disclose rearwardly inclined front and rear walls or dividers being parallel to the front and rear walls to define a plurality of upwardly and rearwardly inclined product receiving compartments within said product carrying enclosure. King fails to

disclose any divider and, therefore, necessarily fails to overcome the deficiencies of O'Neill. Reconsideration is respectfully requested.

Regarding claim 17, claim 17 requires, *inter alia*, a carton insert integrally associated with each of said side walls to form and support one pair of opposed dividers extending inwardly from opposite sides of said wall panel into said gift bag carrying enclosure to define at least two separate gift bag receiving compartments, said dividers being parallel to said front and rear walls to define a plurality of upwardly and rearwardly inclined gift bag receiving compartments within said gift bag carrying enclosure. O'Neill discloses a single carton insert having dividers extending completely across a viewing area and are positioned in a perpendicular manner with respect to the bottom of the carton. O'Neill fails to disclose or suggest separate carton inserts associated with each side wall having dividers parallel to front and rear walls that define a plurality of upwardly and rearwardly inclined gift bag receiving compartments. Once again, King fails to disclose any dividers at all, therefore, King cannot be combined with O'Neill to render the claims obvious. Reconsideration and withdrawal of the Examiner's rejection with respect to the claims over O'Neill and King is respectfully requested.

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Neill (U.S. Patent No. 5,505,371) and the other art as applied to claim 17, and further in view of Ockey (U.S. Patent No. 3,955,671). Claim 23, as well as claims 2-6, 9-16, and 19-22, are dependent on independent claims that are submitted to be in condition for allowance, therefore, each of these claims is also in condition for allowance.

It is respectfully submitted this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims, and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

Application No.: 10/684,700

Docket No.: 29488/39575

If the Examiner feels that prosecution of this present application can be expedited by way of an Examiner's amendment or further communication, the Examiner is invited to contact the applicant's attorney at the telephone number listed below.

Dated: November 22, 2004

Respectfully submitted,

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